IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 34112 of 2007(J)

PETITIONER:

U. SHAMSUDEEN (DRIVER, EXCISE DEPARTMENT
KARUNAGAPPALLY), AGED 41 YEARS,
S/O.UMMARKUTTI,
"KOMATHADATHIL", KADATHOOR,
KARUNAGAPPALLY,KOLLAM.

BY ADVS. SRI.G.PRIYADARSAN THAMPI
SRI.V.GOPIKRISHNA

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
EXCISE DEPARTMENT, GOVT. SECRETARIAT,
THIRUANANTHAPURAM.

2. THE ASST. EXCISE COMMISSIONER,
EXCISE DEPARTMENT, KOLLAM.

3. K. REGHU,
MOONNUTHENGIL THEKKETHIL,
S.V. MARKET P.O.,
KOZHIKODE MEKE,
KARUNAGAPPALLY, KOLLAM.

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.34112 of 2007 J

Dated this the 20th day of November, 2007.

JUDGMENT

Petitioner, a Driver in the Excise Department, stationed at Karunagapally was transferred to Kollam under an order passed by the Assistant Excise Commissioner. The 3rd respondent was posted in his place. On the request made by the petitioner, Ext.P1 was kept in abeyance for a period of three months. The 3rd respondent challenged the same in W.P.(C)No.21101/07 and a stay was granted. Ultimately, the said writ petition was dismissed by Ext.P3 judgment on 9.8.2007 and thereupon, the Assistant Excise Commissioner implemented Ext.P1 and posted the petitioner back to Karunagapally by order dated 22.8.2007. Now, by Ext.P5 on the premise that the 3 month's time granted under Ext.P1 originally is vacated, the transfer ordered earlier has been given effect to and the petitioner is posted at Kollam and the 3rd respondent has been brought back to Karunagappally. Petitioner challenges Ext.P5.

2. According to the petitioner, on compassionate grounds, he may be transferred to Karunagappally. I do not find anything illegal in Ext.P5, essentially because it implements the transfer which was effected on 7.7.2007. The petitioner is now called upon to go from Karunagappally to Kollam. Under no stretch of imagination, can it be treated as causing any hardship to him.

I do not find any reason to interfere with Ext.P5. Writ petition is accordingly dismissed.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge